

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #2	CCRB Case #: 201906017	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/09/2019 7:00 PM	Location of Incident: § 87(2)(b)	Precinct: 77	18 Mo. SOL 1/9/2021	EO SOL 8/26/2021	
Date/Time CV Reported Wed, 07/10/2019 11:32 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/10/2019 11:32 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Ashley Griffith	19021	958654	077 PCT
2. POM Rochael Vasquez	10909	960049	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Rochael Vasquez	Abuse: Police Officer Rochael Vasquez damaged § 87(2)(b)'s property.	§ 87(2)(b)
B.POM Ashley Griffith	Abuse: Police Officer Ashley Griffith damaged § 87(2)(b)'s property.	§ 87(2)(b)
C.POM Rochael Vasquez	Abuse: Police Officer Rochael Vasquez threatened to arrest § 87(2)(b)	§ 87(2)(b)
D.POM Ashley Griffith	Abuse: Police Officer Ashley Griffith threatened to arrest § 87(2)(b)	§ 87(2)(b)

## Case Summary

On July 10, 2019, § 87(2)(b) reported the following complaint via a telephone call with the CCRB.

On July 9, 2019, at approximately 7:00 p.m., § 87(2)(b) received a phone call from a friend informing him that a group of individuals were attempting to break into his commercial property at § 87(2)(b) in Brooklyn. § 87(2)(b) is a two story, mixed use building with commercial space on the first floor and two residential units on the second floor (Board Review 09). § 87(2)(b) was leasing and living in one of the residential units, in addition to a lease for the commercial space. § 87(2)(b) rode by bicycle to the building, and upon arrival he encountered three individuals who he had never seen before, who the investigation has identified as § 87(2)(b) and a man named § 87(2)(b). § 87(2)(b) told § 87(2)(b) that she was the owner of the building, that § 87(2)(b)'s presence in the building was unlawful, and that the police had been called. A few minutes later Police Officer Ashley Griffith and Police Officer Rochael Vasquez of the 77<sup>th</sup> Precinct responded to the scene. Police Officer Griffith and Police Officer Vasquez spoke to § 87(2)(b) and, after a discussion with § 87(2)(b) and her party, told him that he could continue to access his residential unit in the building. Police Officer Griffith and Police Officer Vasquez then left the scene. At that moment, § 87(2)(b) and § 87(2)(b) proceeded to board up a passageway inside the building between the commercial space and a hallway that provided access to the residential units on the second floor. § 87(2)(b) verbally object to the boarding up of the passageway, and § 87(2)(b) called the police a second time in order to resolve the dispute. Police Officer Vasquez and Police Officer Griffith responded to the scene a second time. Police Officer Vasquez and Police Officer Griffith told § 87(2)(b) that he was not to interfere with the boarding up of the passageway, and further stated that he must remove all of his property from within the commercial space or it could be put out onto the street (**Allegation A: Abuse of Authority – Property Damaged, § 87(2)(g)** **Allegation B: Abuse of Authority – Property Damaged, § 87(2)(g)** Police Officer Vasquez and Police Officer Griffith then told § 87(2)(b) that if he were to re-enter the commercial space he would be arrested (**Allegation C: Abuse of Authority – Threat of Arrest, § 87(2)(g)** **Allegation D: Abuse of Authority – Threat of Arrest, § 87(2)(g)** § 87(2)(b) then removed as much of his property as he could from the commercial space, and both officers left the scene.

The investigation was unable to obtain any video footage of this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority – Police Officer Rochael Vasquez damaged § 87(2)(b)'s property:**  
**Allegation (B) Abuse of Authority – Police Officer Ashley Griffith damaged § 87(2)(b)'s property:**  
**Allegation (C) Abuse of Authority – Police Officer Rochael Vasquez threatened to arrest § 87(2)(b):**  
**Allegation (D) Abuse of Authority – Police Officer Ashley Griffith threatened to arrest § 87(2)(b):**

On July 12, 2019, § 87(2)(b) was interviewed at the CCRB. On August 12, 2019, § 87(2)(b) a witness to this incident, provided a telephone statement to the CCRB (Board Review 01). On September 16, 2019, Police Officer Rochael Vasquez was interviewed at the CCRB. On September 17, 2019, Police Officer Ashley Griffith was interviewed at the CCRB. On September 19, 2019, § 87(2)(b) a witness to this incident, provided a telephone statement to the CCRB (Board Review 02).

It is undisputed that Police Officer Vasquez and Police Officer Griffith responded to a dispute over the building at § 87(2)(b) in Brooklyn, and that the dispute was between § 87(2)(b) and a group composed of § 87(2)(b) her sister § 87(2)(b) and a man named § 87(2)(b). § 87(2)(b) is a two-story, mixed use building in Brooklyn. The first floor has a commercial space that was, at the time of this incident, not an operational business. However, it is undisputed that § 87(2)(b) was storing his property in the commercial space at the time of this incident. The second floor has a residential space where § 87(2)(b) was living at the time of this incident. There are two entrance doors into § 87(2)(b) from the street; the first leads into a hallway with a stairwell to the residential units on the second floor, and second leads into the first floor commercial space. It is undisputed that at the time of the incident there was a passageway that made it possible to pass from the commercial space into the hallway leading to the staircase to the residential space without exiting the building, but the nature of that passageway is disputed. It is undisputed that on the date of the incident § 87(2)(b) had been living within and claiming ownership over both the residential space on the second floor and the commercial space on the first floor. It is undisputed that Police Officer Vasquez and Police Officer Griffith did not attempt to remove § 87(2)(b) from his residence on the second floor of § 87(2)(b).

The statements of § 87(2)(b) and Police Officer Vasquez all concur that both § 87(2)(b) and § 87(2)(b) made claims to have lawful authority over the commercial space in § 87(2)(b) in Brooklyn to Police Officer Griffith and Police Officer Vasquez, and that the officers determined that only § 87(2)(b)'s claim was meritorious. Their statements further agree that Police Officer Griffith and Police Officer Vasquez instructed § 87(2)(b) to vacate the commercial space and remove his property from it.

During his CCRB interview § 87(2)(b) stated that he obtained a lease for both the first-floor commercial space and the second-floor residential space of § 87(2)(b) from an individual named § 87(2)(b) and had been renting the property for a period of several months prior to this incident. § 87(2)(b) described the passageway connecting the commercial space and the residential hallway as a doorway.

According to § 87(2)(b) at approximately 7:00 p.m. on July 9, 2019, he came to § 87(2)(b) and found that § 87(2)(b) and § 87(2)(b) had cut a lock that he and § 87(2)(b) had placed onto the front of the building. When Police Officer Vasquez and Police Officer Griffith arrived, § 87(2)(b) spoke with Police Officer Griffith. § 87(2)(b) presented Police Officer Griffith with a photo ID that listed § 87(2)(b) as his home address – the same photo ID that § 87(2)(b) presented during his in-person interview at the CCRB (Board Review 03) – and stated that he lived on the second floor of the building. § 87(2)(b) told Police Officer Griffith that § 87(2)(b) and her party had broken his lock, and asked him to file a report about that damaged property. Shortly after this conversation, Police Officer Griffith told § 87(2)(b) that he could continue to access the building through the residential side doorway, but did not file a report about damaged property. Officers then left the scene.

A short time after Police Officer Vasquez and Police Officer Griffith left the scene, § 87(2)(b) observed § 87(2)(b) and her party using plywood owned by § 87(2)(b) to board up the doorway between the commercial space and the residential hallway, limiting § 87(2)(b)'s access to the commercial space. When § 87(2)(b) verbally objected to them doing so, § 87(2)(b)'s party informed § 87(2)(b) that Police Officer Vasquez and Police Officer Griffith had told them to board up the passageway. § 87(2)(b)'s party called the police again in order to resolve the situation.

At approximately 7:40 p.m. Police Officer Vasquez and Police Officer Griffith arrived on scene for the

second time. Police Officer Griffith stated that he and Police Officer Vasquez had given § 87(2)(b)'s party permission to board up the doorway, as § 87(2)(b) had stated that he lived on the second floor. § 87(2)(b) told Police Officer Griffith that he was renting the commercial space, and went to the second floor to retrieve documents proving as much. § 87(2)(b) retrieved a business lease and bank statements going back several months that contained the name of his business "§ 87(2)(b)" and listed the address of that business as § 87(2)(b). However, since these documents did not contain § 87(2)(b)'s name, Police Officer Griffith stated that they were insufficient proof of § 87(2)(b)'s authority over the commercial space.

Police Officer Griffith told § 87(2)(b) to take all his property out of the commercial space, and then said to § 87(2)(b)'s party that anything § 87(2)(b) did not take out of the commercial space could be removed from the commercial space and placed on the street. Police Officer Vasquez told § 87(2)(b) that if he re-entered the commercial space he would be "locked up" for trespassing. Police Officer Griffith told § 87(2)(b) that his documents were insufficient, that § 87(2)(b) needed to allow the group to board up the space, and that if § 87(2)(b) tried to re-enter the premises he would be "locked up" for trespassing. § 87(2)(b) then removed all the property he could carry out of the commercial space, and the officers left the scene.

The investigation made a phone call to § 87(2)(b) using the number provided by § 87(2)(b) but found that the number was no longer active. § 87(2)(b) was unresponsive to attempts by the CCRB to obtain updated contact information for § 87(2)(b) or for other alleged witnesses to this incident. § 87(2)(b) also never provided the CCRB with any of the paperwork he allegedly showed Police Officer Griffith.

According to a NYCMaps search, § 87(2)(b) is owned by a corporation named § 87(2)(b) (Board Review 04). According to the Articles of Organization and Biennial Statement for § 87(2)(b), which were received pursuant to a subpoena to the New York State Department of State, § 87(2)(b) is associated with this corporation (Board Review 05).

The investigation identified multiple phone calls from this incident, all of which came from § 87(2)(b)'s cellular phone (Board Review 10). Over the course of the phone calls various female callers, who the investigation has identified as § 87(2)(b) and § 87(2)(b) made a series of statements to the operator. At 6:16 p.m. § 87(2)(b) stated that there was someone illegally living in § 87(2)(b), but that the person was not presently there. At 6:52 p.m. a female caller stated that she was attempting to close off a part of the building according to police officers' instructions, but that a black male in his mid-20s, who the investigation has identified as § 87(2)(b) was not letting her. At 7:19 p.m. a female caller stated that police had just left the scene, having told caller to close the store with sheetrock, but that § 87(2)(b) was still not letting her do so.

During their statements to the CCRB, § 87(2)(b) and § 87(2)(b) both said that § 87(2)(b) is the owner of § 87(2)(b) and affirmed that neither of them had any knowledge of § 87(2)(b) or any approved party renting § 87(2)(b). On July 9, 2019, § 87(2)(b) and her party called officers to § 87(2)(b) upon discovering that an unknown individual had placed a lock upon § 87(2)(b) and was occupying the building without their knowledge. They further stated that the passageway between the commercial space and the residential hallway was not a doorway, but was instead a hole that had been cut into the wall. When Police Officer Vasquez and Police Officer Griffith responded to the scene, § 87(2)(b) and § 87(2)(b) explained to them their ownership of the building. Neither presented the officers with paperwork or other evidence confirming their ownership over § 87(2)(b) but it appeared to them that both Police Officer Griffith and Police Officer Vasquez believed § 87(2)(b) to be the rightful owner of § 87(2)(b).

When § 87(2)(b)'s party showed the hole that had been cut into the wall between the commercial space and the residential hallway to Police Officer Vasquez and Police Officer Griffith, the officers stated that § 87(2)(b)'s party could cover over the hole in the wall with boards of wood. Police Officer Vasquez and Police Officer Griffith told § 87(2)(b) to remove his property from within the commercial space, but did not at any point threaten to arrest § 87(2)(b).

During his CCRB interview Police Officer Vasquez stated that he responded to a report of an illegal eviction at § 87(2)(b), and once on site he spoke to both § 87(2)(b) and to § 87(2)(b)'s party. § 87(2)(b) claimed authority over both the commercial and residential space in the building, and by way of proof first presented his ID with § 87(2)(b) listed on it and then later presented a checking account bank statement listing § 87(2)(b). § 87(2)(b)'s party stated that they had come to the building for the first time in three to four months as part of preparations for the West Indian Day parade, but had found that their keys were not working upon arrival. Though Police Officer Vasquez did not recall if they had any documentary evidence to prove their ownership of the property, § 87(2)(b)'s party was able to provide a detailed description of the interior of the space which matched the interior that Police Officer Vasquez observed when he entered the store. Police Officer Vasquez made a determination about ownership of the building based on the accounts of both parties and based on how the interior matched what § 87(2)(b)'s party had described.

Police Officer Vasquez described a “doorway” between the commercial space and the residential hallway inside § 87(2)(b) through which passage was obstructed by a bicycle and a grill placed by § 87(2)(b). Police Officer Vasquez instructed § 87(2)(b) to move his grill, bicycle, and any other property of his out of the commercial space. Police Officer Vasquez and Police Officer Griffith then left the scene for approximately 40 minutes, before receiving a second report of an illegal eviction at § 87(2)(b). During this second visit to the scene Police Officer Vasquez informed § 87(2)(b)'s party that they would need to go to landlord-tenant court if they wished to remove § 87(2)(b) from the residential space on the second floor of the building. However, Police Officer Vasquez observed that § 87(2)(b) had still not removed a grill from the commercial space, and instructed § 87(2)(b) to do so a second time. Police Officer Vasquez and Police Officer Griffith then told § 87(2)(b) that § 87(2)(b)'s party could choose to press charges if he attempted to remain within the commercial space, and advised him to avoid going into it.

Police Officer Vasquez stated that, although § 87(2)(b)'s party had stated that a wooden plank would normally block access from the residential side of the building into the commercial space, he did not observe the § 87(2)(b)'s party replacing the wooden plank into position at any point during this incident. Police Officer Vasquez stated that he was not aware of either party taking any action to restrict access to the commercial space. Neither Police Officer Vasquez nor Police Officer Griffith threatened to arrest anyone at any point during this incident, and there was never any cause to arrest any of the parties involved.

§ 87(2)(g)

New York State Penal Law 140.05 (Board Review 06) states that a person is guilty of trespass when

they knowingly enter or remain unlawfully in or upon premises. The determination of whether one enters and remains unlawfully hinges on the question of whether the person is licensed and privileged to be on the premises.

§ 87(2)(g)

Patrol Guide Procedure No. 214-13 (Board Review 11) details the role that NYPD officers are to take in situations related to an ongoing civil dispute. It makes clear that the only role officers are to have in such cases is the preservation of the peace and prevention of the commission of a crime. In a situation such as this, where there is a complicated civil dispute, the Patrol Guide dictates that officers are not to take enforcement action. Further, Patrol Guide Procedure No. 214-13 states that even in situations where one of the parties in a civil suit is subject to a court mandated eviction, landlords are explicitly not permitted to place property from a premises onto the sidewalk, as a vehicle must be on the scene and all property be loaded into it immediately.

§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07). § 87(2)(b)
- Police Officer Ashley Griffith has been a member of service for four years and has been the subject of nine CCRB cases and 37 allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Rochael Vasquez has been a member of service for four years and has been the subject of eleven CCRB cases and 27 allegations, of which one was substantiated:
  - # 201906017, involved a substantiated vehicle stop allegation against Police Officer Vasquez. The Board recommended Formalized Training, and the NYPD imposed no penalty.

- § 87(2)(g) [REDACTED]  
[REDACTED].

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED].
- On December 20, 2019, the Office of the New York City Comptroller replied to a FOIL request for any notice of claim related to this incident by stating that they had been unable to locate any such document (Board Review 12).

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Squad No.: 2

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date